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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: **BARKER, Dennis**
Serial No.: **10/751,634**
Filed: **01/06/2004**
Title: **FLAX SPROUTS AND SPROUTING METHOD**
Group: **N/A**
Examiner: **N/A**
Attorney Ref.: **PAT 51445A-2**

May 17, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
U.S.A.

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, the applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

II. COPIES

- ☐ a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent and application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- ☒ b. As this application was filed after June 30, 2003, no U.S. patent or published application copies are enclosed. Where applicable, submitted herewith is a legible copy of (i) each foreign patent or application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- ☐ c. Some or all of the documents listed on the PTO-1449 are not enclosed as they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE

☐ a. DOCUMENTS IN THE ENGLISH LANGUAGE

The attached patents, publications, or other information in the English language do not require a statement of relevancy.

☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

☒ c. ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign Patent Office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A) (3).

☐ d. OTHER

The following additional information is provided for the Examiner's consideration.

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (b):

☐ a. Within three months of the filing date of a national application (37 C.F.R. § 1.97 (b) (1)). No fee or statement is required.

☐ b. Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97 (b) (2)). No fee or statement is required.

☐ c. Concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53 (d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97 (b) (4)). No fee or statement is required.

☒ d. Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97 (b) (3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97 (e) below, or, if no statement has been made, charge our deposit account in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (c):

- ☐ a. No statement; therefore, a fee in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).
- ☐ b. See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97 (e)

The undersigned hereby states that

- ☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ b. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the IDS.
- ☐ c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in the 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this statement.

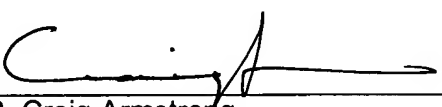
VII. PAYMENT OF FEES

- ☐ A cheque in the amount of **\$180.00** as required by 37 C.F.R § 1.17 (p) is enclosed for the above-identified fee.
- ☒ Please charge Deposit Account No. 501593 in the amount required by 37 C.F.R. § 1.17 (p) for the above-indicated fee, if required. A duplicate copy of this paper is attached.
- ☐ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 501593.

If the preceding amount is incorrect, any deficiency or overpayment should also be charged or credited to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,

By: 

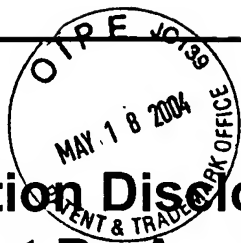
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Encl.

1. Copies of Prior Art
2. Copy of Search Report



Information Disclosure Statement By Applicant

(use as many sheets as necessary)

Complete if known

Application No: 10/751,634
 Filing Date: 01/06/2004
 First Named Inventor: BARKER
 Group Art Unit:
 Examiner Name:
 Attorney Docket No.: PAT 51445A-2

Sheet 1 of 1

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date of Publication MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		5,725,895	03-10-1998	Fahey et al.	
		5,069,903	12-03-1991	Stitt	
		4,859,486	08-22-1989	Douglass	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Patent Document No.	Date of Publication MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T	Check if English Translation is attached.
		EP 1129716	09-05-2001	Gianfranceschi		✓	
						✓	

OTHER DOCUMENTS

		Sukhija, P.S. and Bhatia, I.S., "Lipid Changes in Germinating Taramira (Eruca Sativa) and Linseed (Linum Usitatissimum)" Journal of Research Punjab Agricultural University, vol.9, no.2, 1972 pp.316-320.
		Meier-Ploeger, A. "The Importance of Sprouts and Seeds Sprouts in Whole-Food Nutrition" Ernährung/Nutrition, vol.14, nr.6, 1990, pp.317-323.
		Harmuth-Hoene, A-E et al., "The Influence of Germination on the Nutritional Value of Wheat, Mung Beans and Chickpeas" Zeitschrift Fuer Lebensmitteln Untersuchung Und Forschung, Springer Verlag, vol.185, 1987, pp.386 -393.

Examiner Signature:

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.